

BLOOD HURST & O'REARDON, LLP

1 BLOOD HURST & O'REARDON, LLP
2 TIMOTHY G. BLOOD (149343)
3 THOMAS J. O'REARDON II (247952)
4 PAULA R. BROWN (254142)
5 501 West Broadway, Suite 1490
6 San Diego, CA 92101
7 Tel: 619/338-1100
8 619/338-1101 (fax)
9 tblood@bholaw.com
10 toreardon@bholaw.com
11 pbrown@bholaw.com

12 BARNOW AND ASSOCIATES, P.C.
13 BEN BARNOW
14 ERICH P. SCHORK
15 JEFFREY D. BLAKE
16 ANTHONY L. PARKHILL
17 One North LaSalle Street, Suite 4600
18 Chicago, IL 60602
19 Tel: 312/621/2000
20 312/641-5504 (fax)
21 b.barnow@barnowlaw.com
22 e.schork@barnowlaw.com
23 j.blake@barnowlaw.com
24 aparkhill@barnowlaw.com

25 Attorneys for Plaintiffs

26 **UNITED STATES DISTRICT COURT**

27 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO COURTHOUSE**

28 JOSHUA IRON WING and RYAN
MCGRATH, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

FACEBOOK, INC., a Delaware
corporation,

Defendant.

Case No. 3:18-cv-02122-JCS

**WAIVER OF SERVICE OF SUMMONS BY
DEFENDANT FACEBOOK, INC.**

CLASS ACTION

Magistrate Judge Joseph C. Spero
Courtroom G, 15th Floor

Complaint Filed: April 6, 2018
Trial Date: Not Yet Set

JURY TRIAL DEMANDED

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT
for the
Northern District of California

Joshua Iron Wing and Ryan McGrath _____
Plaintiff _____
v.
Facebook, Inc. _____
Defendant _____
} Civil Action No. 3:18-cv-02122

WAIVER OF THE SERVICE OF SUMMONS

To: Joshua Lipshutz

(Name of the plaintiff's attorney or unrepresented plaintiff)

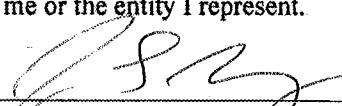
I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 04/12/2018, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 4/13/18


Signature of the attorney or unrepresented party

Facebook, Inc.
Printed name of party waiving service of summons

Joshua Lipshutz

Printed name

Gibson Dunn & Crutcher LLP
1050 Connecticut Avenue, NW, 3rd Floor
Washington, DC 20036

Address

jlipshutz@gibsondunn.com

E-mail address

(202) 955-8217

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 13, 2018.

s/ Timothy G. Blood

TIMOTHY G. BLOOD

BLOOD HURST & O'REARDON, LLP
501 West Broadway, Suite 1490
San Diego, CA 92101
Tel: 619/338-1100
619/338-1101 (fax)
tblood@bholaw.com